

REMARKS

Claims 1-19 are pending in this application. By this Amendment, claims 14-19 are amended to reflect matter added by reissue in compliance with 37 C.F.R. §1.173(b)(2), including markings pursuant to 37 C.F.R. §1.173(d). No new matter is added.

I. 37 C.F.R. §1.172(a)

The application is objected to under 37 C.F.R. §1.172(a), in which all assignees consenting to the reissue must establish their ownership interest in the patent by filing in the reissue application a submission in accordance with the provisions of §3.73(b) of chapter 37. The Assignee's ownership interest in the patent is properly established by filing a submission in the reissue application in accordance with the provisions of 37 C.F.R. §3.73(b), and as evidenced by the CONSENT TO ASSIGNEE TO REISSUE (37 C.F.R. §1.172(a)) AND OFFER TO SURRENDER LETTERS PATENT (37 C.F.R. §1.178) submitted October 7, 1999 in the application for reissue (hereinafter "the October 7, 1999 CONSENT"), as well as by the concurrently submitted SUPPLEMENTAL CONSENT TO ASSIGNEE TO REISSUE (37 C.F.R. §1.172(a)) AND OFFER TO SURRENDER LETTERS PATENT (37 C.F.R. §1.178).

Pursuant to the provisions of 37 C.F.R. §3.73(b)(1), ownership is established by submitting to the Office a signed statement identifying the assignee, accompanied by either: (i)... or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g. reel and frame number). Applicant asserts that the October 7, 1999 CONSENT satisfies the provisions of §3.73(b)(1) by stating that Applicant is the Assignee and that this assignment was recorded in the U.S. Patent and Trademark Office on May 24, 1996 at Reel 8012, Frame 0851, and by further consenting to this reissue application.

Pursuant to the provisions of 37 C.F.R. §3.73(b)(2), the submission establishing ownership must show that the person signing the submission is a person authorized to act on behalf of the assignee by: (i) including a statement that the person signing the submission is authorized to act on behalf of the assignee, or (ii) being signed by a person having apparent authority to sign on behalf of the assignee, *e.g.*, an officer of the assignee. Applicant asserts that the October 7, 1999 CONSENT satisfies the provisions of §3.73(b)(2) by stating that "The undersigned hereby confirms that he has the authority to sign this Consent on behalf of the Assignee", and by including the signature of Isao Kato, Title: Senior Managing Director.

Pursuant to the provisions of 37 C.F.R. §3.73(c), for patent matters only, (1) establishment of ownership by the assignee must be submitted prior to, or at the same time as, the paper requesting or taking action is submitted, and (2) if the submission under this section is by an assignee of less than the entire right, title and interest, such assignee must indicate the extent (by percentage) of its ownership interest, or the Office may refuse to accept the submission as an establishment of ownership (emphasis added). Applicant asserts that the October 7, 1999 CONSENT satisfies the provisions of §3.73(c)(1) by submission on October 7, 2007, which is the same time as the paper requesting or taking action was submitted. Further, Applicant asserts that the October 7, 1999 CONSENT satisfies the provisions of §3.73(c)(2) by way of reference to the assignment recorded in the U.S. Patent and Trademark Office on May 24, 1996 at Reel 8012, Frame 0851, which clearly assigns the entire interest in the invention to the Assignee.

With respect to the SUPPLEMENTAL CONSENT TO ASSIGNEE TO REISSUE (37 C.F.R. §1.172(a)) AND OFFER TO SURRENDER LETTERS PATENT (37 C.F.R. §1.178), Applicant further asserts that, as Assignee of the entire right, title and interest of U.S. Patent No. 5,675,421 (issued October 7, 1997), Applicant consents to this reissue application. Applicant further asserts that at least this submission satisfies the requirements of 37 C.F.R.

§3.73(b), by stating the ownership interest, that being the entire right, title and interest, of U.S. Patent No. 5,675,421.

For at least the foregoing reasons, withdrawal of the objection under 37 C.F.R §1.172(a) is respectfully requested.

II. 35 U.S.C. §251

Claims 1-19 are rejected under 35 U.S.C. §251 as being based upon a defective reissue declaration. The Office Action indicates that, in accordance with 37 C.F.R §1.175(b)(1), a supplemental reissue oath/declaration containing the suggested acceptable language will overcome this rejection and must be received before this reissue application can be allowed (Office Action, p.3). As suggested by the Office Action, a supplemental reissue declaration is submitted with this Amendment. Applicant asserts that at least this submission satisfies the requirements of 37 C.F.R §1.175(b)(1) by including the statement that "Every error in the patent which was corrected in the present Reissue Application, and is not covered by a prior oath/declaration submitted in this Reissue Application, arose without any deceptive intention on my part." Based on at least the supplemental reissue declaration of the instant Amendment, withdrawal of the rejection under 35 U.S.C. §251 is respectfully requested.

III. 37 C.F.R §1.173(b)(2)

Applicant asserts that amended claims 14-19 of this reissue application comply with the requirements of 37 C.F.R §1.173(b)(2) because the newly added subject matter, relative to the original patent, is underlined in its entirety, and because the previously struck through matter has been deleted and what remains is underlined as specifically instructed by the Office Action. Accordingly, a favorable finding of compliance with the requirements of 37 C.F.R §1.173(b)(2) is respectfully requested.

IV. Conclusion

For at least the foregoing reasons, it is respectfully submitted that this reissue application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-19 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this reissue application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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JAO:WEC/dxc

Attachments:

Petition for Extension of Time
Supplemental Consent of Assignee to Reissue and Offer to Surrender Letters Patent
Supplemental Reissue Declaration

Date: November 9, 2007

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